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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,808

04/13/2004

Conrad C. Dumbrique

14319

5188

7590

10/17/2008

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EXAMINER

ILAN, RUTH

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

10/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,808	<b>Applicant(s)</b> DUMBRIQUE, CONRAD C.	
	<b>Examiner</b> Ruth Ilan	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-21,23-29 and 31-50 is/are pending in the application.
- 4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-21,23-29,31-34 and 40-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3-10, 11, 13-21, 23-29, 31-34 and 40-50 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Each of the independent claims has been amended to include the limitation, in some form, that the skin-and-foam-overlay does not include a tear seam. However as described throughout the specification and shown in the drawing, in all embodiments the foam layer 44, 144 includes a tear seam (72 or 172.)

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims, 1, 3-11, 13-21, 23-29, 31-34 and 40-50 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims continue to be replete with errors, especially in light of the specification. First of all, with regard to the absence of the tear seam in the "foam and skin layer" the scope of this limitation is unclear, since the specification clearly describes that the tear seam is cut partially into

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the foam layer (see par. [0040 and 0044]). It is noted that this limitation was added in an attempt to overcome Yokota, which includes a tear seam in the surface (skin) although it is noted that Yokota does not include one in the foam, and hence meets this limitation at least to the same degree as the instant application (see the art rejections below for further discussion.) Further regarding claim 1, this claim is unclear because it appears to be claiming that the decorative overlay is part of the cover, when from the specification it is disclosed that the decorative overlay is a separate component from substrate surface that is the cover. The same problem occurs in claim 11 (see line 3 of both of these claims.) This problem also occurs in claim 27. Claim 16 continues to be replete with errors. This claim recites that the decorative overlay is part of the substrate surface of the primary panel, while the specification discloses that it is a separate component from the substrate surface that is the primary panel. Additionally, “a decorative overlay” is mentioned in line 3, line 5, and line 11. The redundancy of these recitations is confusing. The same problem holds with respect to claim 40 and the multiple recitation of a decorative overlay. Claim 19 recites yet another instance of “a decorative overlay”. Claim 27, line 9 recites “a skin-and-foam” overlay, when one has already been recited in line 7. Claim 28 recites “a decorative overlay”, and so it is not clear if this is a different element from the skin-and-foam overlay previously recited in claim 27.

5. It is noted that for the purposes of examination, it will be assumed that what the applicant intends is that which is shown in the figures and described. The tear seam

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penetrates the substrate and the foam layer, but not the top layer (skin) of the foam-and-skin substrate.

***Claim Rejections - 35 USC § 103***

6. As best understood, Claims 1, 3,4, 7-10, 16-21, 24-29, 32, 33, 34, 40-44, 47- 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota (US 6,406,056.) in view of Bauer (US 5,744,776.) Yokota teaches an inflatable airbag module including a primary dashboard panel having a substrate surface (26) that has an airbag module cover adapter that is orifice and channel (see Figure 1.) Additionally, the air bag module cover (28) includes an instrument panel adapter that is a radial flange extending from the airbag module cover (see Figure 1.) A face of the module cover (bottom) of flange is attached (by integrally molding) to the instrument panel. Regarding the tear seam Yokota teaches one, in substantially the same location as that disclosed by the applicant, on the cover, and teaches that it is molded, stamped or punched into the airbag module cover (see col. 3, lines 13-24.) The combination substrate surface includes a skin and foam overlay (22,24.) and provides a surface that is sufficiently even (see Figure 1.) The instrument panel substrate subtends the substrate surface of the airbag cover (in the same way as disclosed by the applicant, the flange of the cover overlies the channel (see Figure 1.) Yokota teaches a substrate surface (center of cover 28), and includes a module housing with an interlock portion and cushion (see Figure 3.) These claims are very confusing, as discussed above, because it is unclear what the status of the tear seam in the module cover and substrate layer includes. For the purposes of examination, it will be assumed that what was intended was the tear seam

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to completely penetrate the module cover, as discussed in paragraph [0044] and shown in the Figures, and to potentially penetrate the foam layer, but not to penetrate the top skin layer. Regarding the tear seam Yokota teaches one, in substantially the same location as that disclosed by the applicant, on the cover, and teaches that it is molded, stamped or punched into the airbag module cover (see col. 3, lines 13-24.) Yokota does not teach that it extends through the cover, so as not to require a tear, or that it is laser scored, or that it does not penetrate the skin layer. Bauer, as previously discussed teaches such a cover, and further teaches that the depth of the seam (that is partially or all the way through the substrate is a matter of design choice (See Figure 9 and col. 8, lines 15-24) that is selected based on the level of force required to cause rupture of the seam, and does necessarily include penetration of the skin layer. It would have been obvious to one having ordinary skill in the art at the time of the invention, based on the teaching of Bauer, to provide a laser scored seam that extends through the foam layer of the substrate, but not through the top skin layer, to mitigate the chance of visibility. Bauer additionally teaches that this process for preweakening is highly accurate and efficiently integrated at low cost (see col. 3, line 25-29.) Regarding claims 40-44, and 47-50, the method claims are inherently taught by the apparatus.

7. As best understood, claims 5,6, 11, 13-15, 23, 31,45, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota (US 6,406,056.) in view of Bauer (US 5,744,776) and further in view of Goestenkers et al. (US 5,303,951.) Yokota in view of Bauer is discussed above, and fails to teach the claimed interlock connection between the module housing and cover. Goestenkers et al. teaches that it is known in the airbag

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art to include the claimed connection, with interlocking fingers extending from the cover (see Figures 2,5, and 7.) It would have been obvious to one having ordinary skill in the art to substitute the module housing and connection of Goestenkers et al. into the module of Yokota in view of Bauer, since both are air bag storage housing systems, and the substitution of one known element for another would have yielded the predictable result of a well formed connection.

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.

The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ruth Ilan  
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